

CITY OF EL DORADO

MAYOR

Tom McKibban

CITY COMMISSION

Shane Krause, Position 1

Linda Clark, Position 2

Nick Badwey, Position 3

David Chapin, Position 4

PLANNING COMMISSION

Red Acklin, Chairman

Dave Stewart, Vice-Chairman

Tim Engels

Dan Hill

Chris Jolly

Gregg Lewis

Van Pooler

Wayne White

Bill Young

CITY MANAGER

Herbert E. Llewellyn, Jr.

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ORDINANCE NO. G- 1089

AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN SUBDIVISION REGULATIONS GOVERNING THE SUBDIVISION OF LAND WITHIN THE CITY OF EL DORADO, KANSAS AND THE SURROUNDING AREA AS DESCRIBED AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PREPARED AND PUBLISHED IN BOOK FORM BY THE EL DORADO CITY PLANNING COMMISSION WITH THE ASSISTANCE OF PROFESSIONAL ENGINEERING CONSULTANTS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EL DORADO, KANSAS:

Section 1: Adoption: Subdivision regulations are hereby approved and adopted by the Governing Body of the City of El Dorado, Kansas, as prepared and published in book form, by the El Dorado City Planning Commission with technical assistance of Professional Engineering Consultants, under the date of December 7, 2009 and entitled: "El Dorado Subdivision Regulations" and the same is hereby incorporated by reference with amendments, as if fully set out herein.

Section 2: Public Hearing: The public hearing required by Kansas law was duly held on the 19th day of November, 2009 by the El Dorado City Planning Commission. A full and complete discussion of said Subdivision Regulations was had at said meeting and the Subdivision Regulations herein adopted are a true and correct copy of those regulations as adopted by the El Dorado City Planning Commission and amended by the Governing Body.

Section 3: Official Map: There is further herein incorporated by reference and adopted, and Official Map delineating the boundaries of the area affected, which Map will be marked "Official Copy of El Dorado Subdivision Regulation Map" and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 4: Jurisdiction: The Subdivision Regulations and Map herein adopted by reference shall apply to all land located in the incorporated area of the City of El Dorado and the unincorporated area adjacent to the City of El Dorado corporate limits as shown on the "Official Subdivision Regulation Map."

Section 5: Official Copies: Not less than three copies of the Subdivision Regulations, in book form, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 6: Repeal: All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

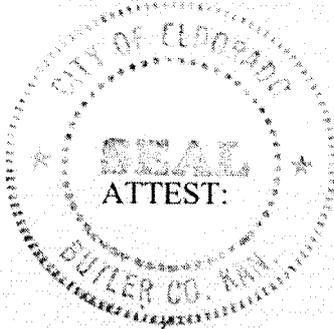
Section 7: Effective Date: The Ordinance shall be in full force and effect from and after its publication in the official city newspaper.

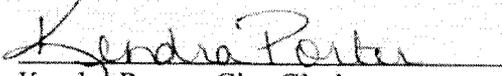
PASSED by the governing body of the City of El Dorado, Kansas, and

APPROVED by its Mayor this 7th day of December, 2009.



Tom McKibban, Mayor





Kendra Porter, City Clerk

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**ARTICLE 1
GENERAL PROVISIONS**

1. **Jurisdiction**: These regulations shall apply to all land located in the incorporated area of the City of El Dorado, Kansas; and the unincorporated area adjacent to the City of El Dorado Corporate Limits as shown on the "Subdivision Regulation Map" in the office of the City Engineer.
2. **Purpose and Intent**: The purpose and intent of these regulations is to provide for the harmonious development of the community and the surrounding area to provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections or other physical improvements shall be installed; and to provide for and secure the actual construction of such physical improvements.
3. **Applicability**: The owner or owners of any land located within the jurisdiction of these regulations subdividing said land into two or more lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations, unless exempted under Section 1.4.
4. **Exemptions**: These regulations shall not apply in the following instances:
 - A. The division of any parcel or tract of land greater than 40 acres into not more than two lots, tracts or parcels, and not involving any new streets or easements of access and not affecting major streets.
 - B. A change in the boundary between adjoining land which does not create an additional or substandard lot.
 - C. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
 - D. Whenever any lot, parcel, or tract of land located within the area governed by these regulations has been subdivided, resubdivided or replatted prior to adoption of these regulations. However, any further resubdivision of lots, parcels or tracts must be done in accordance with these regulations.
 - E. Any transfer by operation of law.

City of El Dorado, Kansas Subdivision Regulations

Article 1 – General Provisions

- F. Lots which have been previously platted and zoned for industrial purposes may be divided into two or more tracts without replatting or resubdividing such lots in conformance with these subdivision regulations
- G. Land used for agricultural purposes.

5. **Approvals Necessary for Acceptance of Subdivision Plats**: All plans, plats, or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto shall be submitted to the El Dorado City Planning Commission for their consideration.

The Planning Commission shall determine if the plat conforms to the provisions of these Regulations and shall approve or disapprove the plat within 60 days after the first meeting of the Planning Commission following the date of the submission of the plat to the secretary. The governing body of jurisdiction--either the City Commission or the Board of County Commissioners--shall accept or refuse the dedication of land for public purpose within 30 days after the first meeting of the governing body of jurisdiction following the date of the submission of the plat to the City Clerk.

The register of deeds shall not record any plat until such plat is approved by the Planning Commission and governing body and is signed by the Chairman and Secretary of the Planning Commission and by the Mayor and City Clerk of the City of El Dorado, Kansas. See Article 7, "Submission of Plats", for a detailed list of submittals needed for platting land and for all procedural requirements.

**ARTICLE 2
ADMINISTRATION**

1. Duties of the Zoning Administrator:

- A. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meetings and hearings.
- B. File copies of all preliminary and final plats, together with applications and filing fees, with the City Clerk.
- C. Transmit preliminary and final plats to the Planning Commission, and Planning Commission recommendations regarding acceptance of dedications to the governing body for its action.
- D. Transmit final plats to Register of Deeds for filing.

2. Duties of the Planning Commission:

- A. Review and approve, approve conditionally, or disapprove preliminary plats within a reasonable time after submission, as indicated in Article 1.5.
- B. Review and approve, approve conditionally, or disapprove final plats and transmit final plats together with appropriate recommendations to the governing body for its acceptance of dedications of easement and rights-of-way.
- C. Make other determinations and decisions as may be required of the Planning Commission from time to time by these regulations, and by the applicable sections of the Kansas Statutes.

3. Duties of the Governing Body:

- A. Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way.
- B. Take other actions as required from time to time including the consideration of amendments to these regulations.
- C. Accept or reject financial guarantees from subdividers in lieu of immediate completion or installation of improvements required by the regulations.

City of El Dorado, Kansas Subdivision Regulations

Article 2 – Administration

4. **Final Plat Action:** The final plat shall accurately describe the subdivision, lots, tracts or parcels by land giving the location and dimensions thereof and the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto.

The Planning Commission shall determine if the plat conforms to the provisions of the subdivision regulations. If such determination is not made within 60 days after the first meeting of the Planning Commission following the date of the submission of the plat to the secretary, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the Planning Commission upon demand. If the Planning Commission finds that the plat does not conform to the requirements of the subdivision regulations, the Planning Commission shall notify the owner or owners of such fact. If the plat conforms with the requirements of the regulations, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the Planning Commission. The action of the Planning Commission on final subdivision plats shall be taken by a majority vote of the entire membership of the commission.

The governing body of jurisdiction shall accept or refuse the dedication of land for public purpose within 30 days after the first meeting of the governing body following the date of the submission of the plat to the City Clerk.

ARTICLE 3
DEFINITIONS

1. **Definitions:** Definitions for the interpretation of these rules and regulations are as follows:

Agricultural Uses: The use of a tract of land of not less than 40 acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute.

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet or less in width.

Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

City Engineer: The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the City Manager.

Comprehensive Plan: The El Dorado Comprehensive Plan, as amended.

Cul-de-sac: A vehicular turnaround which is located at the closed end of a dead-end street or alley.

Design: The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

Easement: A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

Final Plat: A plan or map prepared in accordance with the provisions of this regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of the County.

Governing Body: The City Commission of El Dorado, Kansas.

Governing Body of Jurisdiction: The City Commission of El Dorado, Kansas, or the Board of County Commissioners of Butler County, Kansas, whichever governing body governs in the jurisdiction affected by the regulation.

City of El Dorado, Kansas Subdivision Regulations

Article 3 – Definitions

Improvements: Street work, utilities, sidewalks, drainage structures and other physical modifications which are to be installed or constructed by the subdivider for the benefit of the lot owners and for the proper development of the community, as a condition precedent to the approval and acceptance of the final plat.

Lot: A portion of land in a subdivision or other parcel of land under single ownership, intended as a unit for transfer of ownership or for development, and, when more than one parcel, contiguous.

Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.

Pedestrian Way: A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Planning Commission: Shall mean the City of El Dorado Planning Commission.

Platting Binder: A report issued by a title insurance company setting forth the conditions to be met for a certain property to be platted, e.g., easements filed for record, mortgages, fee title owners, etc.

Preliminary Plat: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.

Private Water System: A means of providing potable water, typically a private water well, to a single platted lot or subdivision. Such systems have no connections to a public water supply. This shall not be construed to include wells that supply only irrigation systems.

Secretary: Secretary of the Planning Commission.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

Subdivider: A person, firm, corporation, partnership, or association who causes land to be divided into subdivision for itself or for others.

Subdivision: The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "resubdivision", and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.

City of El Dorado, Kansas Subdivision Regulations

Article 3 – Definitions

Zoning Administrator: The individual appointed by the City Manager to administer these regulations.

City of El Dorado, Kansas Subdivision Regulations

Article 3 – Definitions

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**ARTICLE 4
MINIMUM DESIGN STANDARDS**

1. Water and Sewer:

- A. The area of the lots shall be determined by the standards in the zoning regulation and the availability of public sewer and a public water supply. Prior to the submission of a preliminary plat, the subdivider shall obtain a determination from the City Engineer as to whether adequate public sewer and water supply are available, as provided in Article 8. Development within all land use areas as designated on the Future Land Use Map shall be served by the City sewer system.
- B. If the proposed subdivision is serviced by a public water supply and a public sanitary sewer system, the minimum lot area requirements shall be subject to those set forth herein in the Zoning Regulations.
- C. If the proposed subdivision is serviced with a public water supply, but not with a public sewer system, or is serviced with a public sewer system, but not a public water supply, the preliminary plat shall be prepared on the basis of minimum three (3) acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on standards of the Butler County Sanitation Code.
- D. If the proposed subdivision is not served with either a public water supply or a public sewer system, the subdivider shall submit a Preliminary Plat on the basis of minimum 6-2/3 acre lots; provided, however, that additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on standards of the Butler County Sanitation Code.
- E. All water and sewer systems shall be approved by the City upon recommendation by City Engineer as provided in Article 8.

2. Blocks:

- A. Length: Intersecting streets (which determine block length) shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,320 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet, pedestrian ways and/or easements through the block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of fifteen (15) feet.

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

- B. Width: In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. In certain instances, however, a different arrangement may be required in order to provide better circulation or to protect a major circulation route. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

3. Streets and Alleys:

- A. Relationship to Adjoining Street Systems: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The City may require any street to be designed such that it can easily accommodate connection to other proposed or future anticipated development. The width of such street rights-of-way in new subdivisions shall be not less than the minimum street widths established herein. Alleys, when required, and street arrangement must cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other one half of the street or alley shall be platted and dedicated as a public right-of-way.
- B. Street Names: Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names. Streets and house numbers shall be numbered in accordance with the adopted house numbering policy of the City.
- C. Arterial Streets: Arterial streets through subdivisions shall conform to the Comprehensive Plan as adopted by the Planning Commission and the governing body
- D. Local Streets: Local streets should be designed so as to discourage through or non-local traffic.
- E. Cul-de-sacs: An adequate turnaround of not less than a 120-foot diameter right-of-way shall be provided at the closed end of a dead-end local street longer than one lot in length. Such local street segment should not exceed 600 feet in length from the centerline of an intersection of a cross street to the center of the cul-de-sac, but may be longer, based on the density of platted lots, as approved by the Planning Commission upon the recommendations of the City Engineer.
- F. Right-Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be 60 degrees.

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

- G. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway or Arterial Street: Where lots front or side, but do not back on railroad rights-of-way, limited access freeways, or principal highways or arterial streets, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration to minimum distance required for approach connections to future grade-separated intersections.

- H. Half-Streets: The dedication of one-half of a right-of-way (Half-streets) shall be prohibited, except where no lots front on such half-street.

- I. Alleys: Alleys may be required in commercial, industrial, and residential areas. Dead-end alleys shall be avoided, wherever possible; but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end. Alleys should be avoided in residential areas except where alleys of adjoining subdivisions would be closed or shut-off by failing to provide alleys in the adjoining subdivision. Except, alleys are allowed when they are an integral part of the subdivision design concept.

- J. Pedestrian Ways and Bike Paths: Pedestrian ways and bike paths may be required by the City where such is identified in the Comprehensive Plan.

- K. Minimum Requirements: The right-of-way grades and widths for streets, alleys, pedestrian ways and bike baths in order to be dedicated and accepted, shall conform to the designation in the Comprehensive Plan and shall not be less than the minimum for each classification as follows:

	<u>Minimum Right-of-Way Width</u>	<u>Maximum Grade</u>
Major Streets:		
Arterials	80 feet	5%
Collectors	70 feet	8%
Local Streets:		
Residential	60 feet	10%
Industrial & Commercial	70 feet	6%
Cul-De-Sacs	120 feet diameter	
Marginal Access Streets or Frontage Roads:		
Two-Way	50 feet	10%
One-Way	50 feet	10%
Alleys	20 feet	10%
Pedestrian Ways and Bike Paths	15 feet	5%

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated. The minimum gradient on any street shall be 0.50%, unless impractical, in which case the absolute minimum gradient shall be no less than 0.32%.

L. Street Alignment: Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

(1) Minimum Horizontal-Radii at the Centerline:

Arterial Streets.....	500 feet
Collector Streets	300 feet
Local Streets	100 feet

(2) Minimum Sight Distance on Vertical Curves:

Arterial Streets	350 feet
Collector Streets	250 feet
Local Streets	150 feet

M. Street Alignment: On streets with reverse curves, a reasonable tangent shall be provided between curves to permit a smooth flow of traffic.

N. Street Layout: Proposed streets shall conform to topography as nearly as possible to reduce drainage problems and grades.

O. Arterial Access: The minimum spacing between access drives for all lots fronting on arterial streets, as designated in the Comprehensive Plan shall be 200 feet. Such distance shall be measured between the centerlines of the access drives. However, where the lot width restricts such spacing, access drives shall be approved at intervals no greater than one drive per every 100 feet of lot width. Cross-lot access easements are encouraged for abutting lots less than 100 feet in width where such lots have arterial frontage. Kansas Department of Transportation access spacing restrictions shall apply on State Highways designated as arterials.

4. Lots:

A. Minimum lot width shall be measured at the building setback line. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.

B. Minimum lot depth shall be 100 feet, except as otherwise allowed by the Zoning Regulations. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.)

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

- C. The maximum depth of residential lots shall not exceed three (3) times the width thereof, except where the lots are intended for single-family attached dwellings in which case the depth shall not exceed five (5) times the width.
- D. Minimum lot area shall be subject to the Zoning Regulations of the district in which the subdivision is located and the minimum design standards of this regulation. The more restrictive of the regulations shall govern.
- E. All side lot lines shall bear between 60 and 90 degrees from the street right-of-way line on straight street or from the tangent of a curved street.
- F. Front building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setbacks required by the Zoning Regulations or any other regulations adopted by the governing body; the most restrictive setback requirement shall govern.
- G. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
- H. Every lot shall abut on a public street other than an alley.
- I. The subdivision or resubdivision of a tract or lot shall not be permitted where said subdivision or resubdivision places an existing permanent structure in violation of the requirements of the Zoning Regulations or the minimum design standards of these regulations.
- J. Where possible, residential lots should not face on arterial streets. The number of lots facing on collector streets shall be kept to a minimum in each subdivision. The street pattern shall be designed so that the sidelines of lots abut collector streets wherever land shapes and topography permit.
- K. Lots created under the condominium or townhouse laws and established in either the Planned Unit Development or “T-H” district shall be acceptable regardless of building setbacks established thereby. It is recognized that such lots may result in a zero lot line building or structure.

5. **Easements:**

- A. Utility Easements: Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, underground conductors, storm and sanitary sewers, gas, water and heat mains, and other public utilities. These easements shall provide for a continuous right-of-way. Where the utility company or agency has the need for a wider easement than required above for a specific location, this easement shall

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

be shown on the plat. Permanent easements shall not be obstructed by structures, retaining walls or trees. A property owner may install fences and landscape the easement with grass and shrubs at their own risk.

A twelve (12) foot temporary construction easement shall be provided on each side of all lot lines for initial construction of water, sewer and other utility lines.

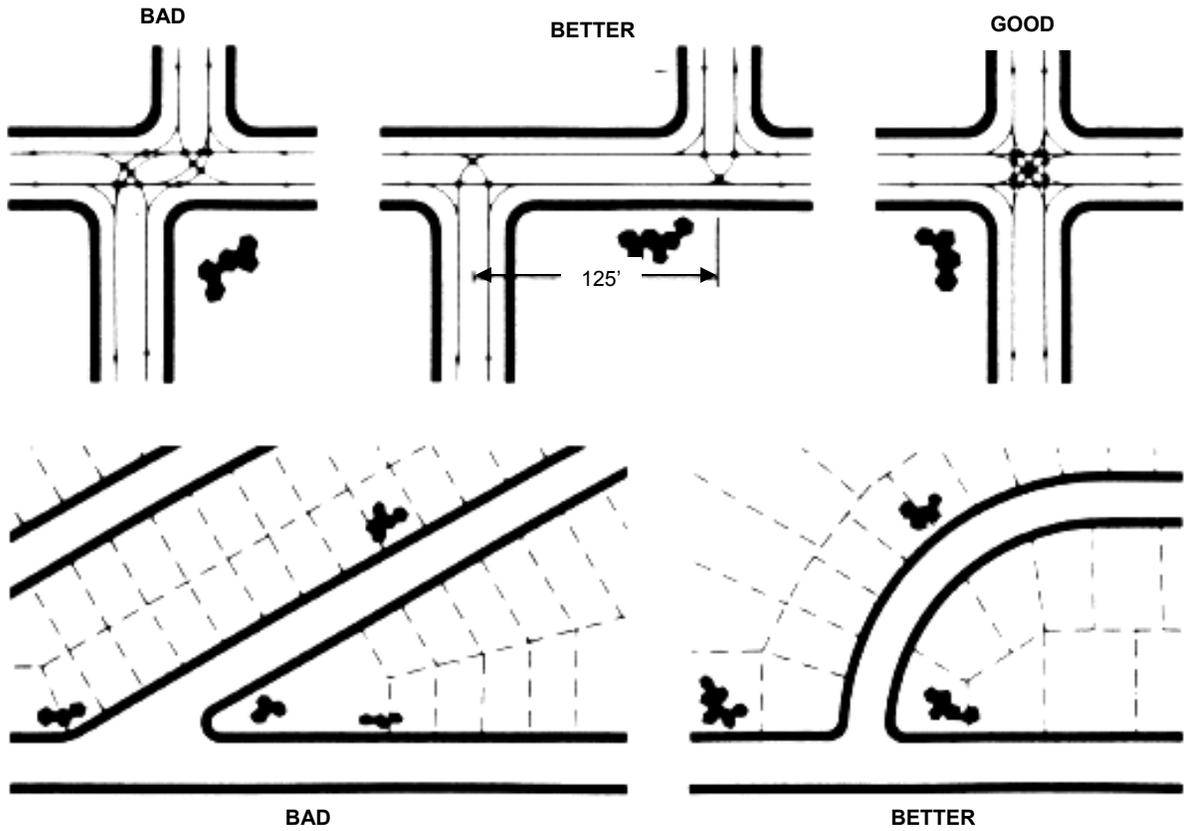
- B. Drainage Easements: If a subdivision is traversed by a water course, drainageway or channel, then a storm water easement shall be provided. Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets may be required in connection therewith. The subdivider may be required to have an engineer's study prepared for the Planning Commission as to the required width of such easement for each major water course or drainageway involved. Such study shall be based on a 100-year storm.

6. **Subdivision Design:**

- A. Access Control: In the interest of public safety and for the preservation of the traffic-carrying capacity of the streets system, the Planning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat.
- B. Subdivision Design: The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.
- C. Storm Water Runoff Plan: The subdivider may be required to have an engineer's study prepared on the amount of increased storm water runoff which will be created by proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff.
- D. Storm Water Pollution Prevention Plan: The subdivider is required to submit a Storm Water Pollution Prevention Plan to ensure compliance with Kansas Department of Health and Environment requirements.
- E. Design Techniques: The following illustrations are examples which may be used as guides in the review of the subdivision applications:

City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards



City of El Dorado, Kansas Subdivision Regulations

Article 4 – Minimum Design Standards

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City of El Dorado, Kansas Subdivision Regulations

Article 5 – Dedication or Reservation of Public Open Space

ARTICLE 5 PARKLAND

1. **Definitions.** For the purposes of this article, certain terms and words are hereby defined.
 - A. **Parkland.** Any dedicated public open space specifically designed for active recreational uses, including linkages to any trail system, intended to serve the immediate surrounding neighborhood or the general public.
 - B. **Parkland acquisition costs.** Average sale price for one (1) acre of vacant, developable land within the City of El Dorado and the city’s three (3) mile extraterritorial jurisdiction. For purposes of this article, said price shall be set at five thousand dollars (\$5,000.00) per acre.
 - C. **Parkland improvement cost.** Average cost to improve a neighborhood level park with typical amenities for recreational uses. For purposes of this article, said cost shall be set at twenty thousand dollars (\$20,000.00) per acre.
 - D. **Parkland development fee.** The combination of parkland acquisition cost and the parkland improvement cost per dwelling unit. For the purposes of this article, the parkland development fee shall consist of a ratio of twenty percent (20%) parkland acquisition fee, and eighty percent (80%) parkland improvement fee.
 - E. **Dwelling unit.** Each portion of a dwelling structure designed and constructed to accommodate a single-family occupancy, whether in a single-family, two-family or multi-family dwelling structure.
2. **Purpose.** The purpose of this section is to serve the community’s population growth with neighborhood parkland based on the designated parkland standards referenced in the City of El Dorado Park Master Plan and the City of El Dorado Comprehensive Plan.
3. **Parkland development fee.** In all instances where property owners or developers seek a building permit for residential construction (excluding additions, remodeling or rebuilding) a parkland development fee shall be required. All fees shall be collected by the appropriate city department concurrent with the application for a building permit. The fee shall be assessed according to the following schedule”

Single-family and two (2) family dwelling units, per unit:	\$300.00
Three (3) to eight (8) family dwelling unit developments, per unit:	\$270.00
Nine (9) family dwelling unit development and above, per unit:	\$240.00

City of El Dorado, Kansas Subdivision Regulations

Article 5 – Dedication or Reservation of Public Open Space

All fees shall be deposited in the city's Special Parks and Recreation fund. Fees collected shall be used for the acquisition of new parkland and/or improvement of new or existing parkland within the city.

ARTICLE 6
LOT SPLITS

1. **General:** The intent of this section is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Zoning Administrator may approve or disapprove lot splits in accordance with the following regulations.

2. **Application Procedure:** Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator. Four (4) copies of a scale drawing and legal description of the lots involved and the location of any structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. There shall also be a signature block created on the drawing for the Zoning Administrator's signature. Once the lot split is approved, the drawing shall be recorded with the Register of Deeds.

3. **Approval Guidelines:** Approval or disapproval of lot splits shall be made, based on the following guidelines:
 - A. No lot split shall be approved if:
 - (1) A new street or alley is needed or proposed.
 - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - (3) Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
 - (4) There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - (5) All easement requirements have not been satisfied.
 - (6) Such split will result in a tract without direct access to a street.
 - (7) A substandard-sized lot or parcel will be created.
 - (8) The lot has been previously split in accordance with these regulations.

City of El Dorado, Kansas Subdivision Regulations

Article 6 – Lot Splits

- B. The Zoning Administrator may make such additional recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
 - C. The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove, the lot split within five (5) working days of application.
4. **Filing Fee:** The filing fee for lot splits shall be ten dollars (\$10.00).

ARTICLE 7
SUBMISSION OF PLATS

1. **Pre-Application**: Prior to the filing of the preliminary plat, the subdivider shall contact the Zoning Administrator to determine:
 - A. Procedure for filing plats.
 - B. Availability of City sewer and water.
 - C. Comprehensive Plan requirements for improvements such as major streets, land use, parks, schools and public open spaces.
 - D. Zoning requirements for the property in question and adjacent properties.
 - E. Special setback requirements for arterial, collector and local streets.

2. **Preliminary Plats**: After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider may submit a preliminary plat together with any supplementary information necessary to the Zoning Administrator.
 - A. Submission of a Preliminary Plat:
 - (1) **Filing Fee**: A filing fee of \$50.00 plus \$2.00 for each lot shall accompany the filing of each preliminary plat, but the maximum filing fee shall not exceed \$150.00. The preliminary plat shall not be accepted for filing until the filing fee therefore has been paid by the subdivider.
 - (2) **Number of Copies**: This subdivider shall submit such copies of the preliminary plat and of a vicinity map (if not on the preliminary plat) as required by the Planning Commission showing the location of the proposed subdivision. These plats shall be filed with the Zoning Administrator at least fourteen (14) days prior to a regular meeting of the Planning Commission at which the preliminary plat is to be considered.
 - (3) The subdivider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of all unplatted land within two hundred (200) feet of property being proposed for subdividing or resubdividing.
 - (4) The subdivider shall submit a certificate proving ownership of the entire tract to be platted, along with a copy of the platting binder used by the surveyor in preparation of the preliminary plat.

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

- (5) The subdivider shall submit proof that the proposed plat has been reviewed by all affected utility companies or agencies along with any comments from these companies or agencies.
- (6) A preliminary grading and drainage plan, including location and size of all storm sewers, existing and proposed land elevations and contours, and necessary widths of all open drainageways shall be submitted to the City Engineer. These plans are not intended to be detailed suitable for construction.
- (7) Preliminary plats shall contain:
 - a. The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name or names of an existing subdivision.)
 - b. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.
 - c. The names and addresses of the developer, owner, and the engineer or land surveyor who prepared the plat.
 - d. Scale of the plat, 1"-100' or larger.
 - e. Date of preparation and north point.
 - f. Existing conditions:
 - Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.
 - All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.
 - Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.
 - Topography (unless specifically waived) with contour intervals of not more than two feet, referred to U.S.G.S. datum; where the ground is too flat for contours, spot elevations shall be provided.

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

- Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.
 - Current zoning classification.
- g. The general arrangements of lots and their approximate size.
- h. Location and width of proposed streets, alleys, and pedestrian ways and easements to accommodate drainage.
- i. The general plan of sewage disposal, water supply and drainage.
- j. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.
- k. General layout of adjacent property within two hundred (200) feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.
- l. Approximate gradient of streets.
- B. Preliminary Plat Action: Within a reasonable period of time after the submission of a preliminary plat, the Planning Commission shall approve, conditionally approve, or disapprove of the preliminary plat. Action by the Planning Commission shall be conveyed to the subdivider in writing within ten (10) days after the meeting at which time the plat was considered. In case the plat is disapproved by the Planning Commission, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
- C. Effective Date: The approval of the preliminary plat shall be effective for two (2) years, except that prior to this application date the Planning Commission may, at the request of the property owner, grant an extension to the validity of the preliminary plat for up to a six-month period.

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

3. **Final Plat:**

A. Submission:

- (1) After approval of the preliminary plat, the subdivider may submit a final plat.
- (2) The original (on mylar, tracing cloth or similar material) and the number of prints required by the Planning Commission shall be submitted to the City at least fourteen (14) days prior to the Planning Commission public meeting at which the plat will be considered.
- (3) The names and signatures of the owner or owners of the property, duly acknowledged and notarized, shall appear on the original copies submitted.
- (4) The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100'. The size of the sheet on which such final plat is prepared shall be 36 inches by 22 inches. Where the proposed plat is of unusual size, the final plat shall be submitted on two or more sheets of the same dimensions. If two or more sheets are required, an index map of the same dimensions shall be filed showing the entire development at a smaller scale. The dimensions indicated are standard for all final plats and must be complied with. Title, description and other written data shall be located either right or left.
- (5) The final plat shall be reviewed for accuracy by the City Engineer prior to submission to the governing body of jurisdiction.

B. Information: The final plat shall show and contain the following information:

- (1) Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision).
- (2) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000).
- (3) The location of existing monuments or bench marks shall be shown and described on the final plat. Location of such monument shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.
- (4) The location of lots; alley, street and highway rights-of-way; parks and other features; with accurate dimensions in feet and decimals of feet with the length of radii and of arcs along with the intersection angle (delta) on all curves, and all other

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curve on lot lines.

- (5) Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
- (6) The exact locations, widths and names of all streets and alleys to be dedicated.
- (7) Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
- (8) Building setback lines on the front and side streets with dimensions.
- (9) Name, signature and seal of the registered land surveyor preparing the plat.
- (10) Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point, including basis for north.
- (11) Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated.
- (12) The following certificates, which may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consented to the preparation and recording of said subdivision map.
 - b. A certificate signed and acknowledged as above, dedicating or reserving all parcels of land shown on the final plat and intended for any public or private use including easements, and those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.
 - c. The acknowledgement of a notary in the following form:

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

State of _____, County of _____, SS.

Be it remembered that on this _____ day of _____, 19_____, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

My Commission Expires: _____

d. The certificate of the Planning Commission in the following form:

This plat of _____ addition has been submitted to and approved by the El Dorado Planning Commission this ____ day of _____, 19__.

Chair

Secretary

e. The acceptance of easements and rights-of-way by the City Commission (or by the Board of County Commissioners if in the unincorporated area) in the following form:

These easements and rights-of-way accepted by the City Commission of El Dorado, Kansas, this _____ day of _____, 19__.

(SEAL)

Mayor

ATTEST:

City Clerk

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

f. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this ____ day of _____, 19__.

Deputy

County Register of Deeds

C. Supplemental Information to be Submitted with Final Plat: The following additional data shall be submitted with the final plat:

- (1) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
- (2) A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
- (3) A copy of any deed restrictions applicable to the subdivision.

D. Final Plat Action: Within 60 days after the submission of a final plat, the Planning Commission shall approve, conditionally approve, or disapprove the final plat. After approval by the Planning Commission, the governing body of jurisdiction shall either accept or reject the dedication of land for public purposes within 30 days after the first meeting of the governing body after the plat was submitted to the City Clerk. The action of the Planning Commission and the governing body of jurisdiction shall be conveyed to the subdivider in writing within ten (10) days of the meeting of the governing body at which the plat was considered. If the final plat is disapproved, the subdivider shall be notified of the reasons for such disapproval.

City of El Dorado, Kansas Subdivision Regulations

Article 7 – Submission of Plats

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**ARTICLE 8
IMPROVEMENTS**

1. Required Improvements: The subdivider shall install or provide for the installation of the following improvements:

A. Streets and Alleys:

- (1) Streets in subdivisions comprised of lots smaller than 3 acres shall be hard-surfaced with curb and gutter in conformance with the Engineer's standards and specifications.
- (2) Alleys in subdivisions comprised of lots smaller than 3 acres shall be hard-surfaced with drainage designed in conformance with the City Engineer's standards and specifications, or as otherwise approved by the City Engineer.
- (3) Streets in subdivisions comprised of lots larger than 3 acres, but less than 6-2/3 acres in size shall be hard surfaced in conformance with the Engineer's standards and specifications. Curbs and gutters shall not be required.
- (4) Streets in subdivisions comprised of lots 6-2/3 acres and larger in size shall have a compacted base and be surfaced with rock and gravel in conformance with the Engineer's standards and specifications.

It shall be the policy of the City of El Dorado to pay the cost of street intersections and the cost of extra width (over 31 feet back to back of curb) and depth (over 9 inches of asphalt or 7 inches of concrete) on street construction.

B. Water: Where a public water supply is proposed to serve the subdivisions, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. The system shall be of equal or better quality and size than the minimum standards of the City and shall meet all K.D.H.E. standards. Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply. No private water systems shall be permitted within the City limits. Private water systems shall meet all requirements of the Butler County Sanitation Code.

It shall be the policy of the City of El Dorado that all public water lines necessary to support new subdivisions shall be paid by the new development within the City limits. Any oversizing of water lines or other infrastructure above and beyond that necessary to serve the new subdivision, the difference shall be at the cost to the City-At-Large.

City of El Dorado, Kansas Subdivision Regulations

Article 8 – Improvements

The City will allow water lines to be extended outside the City, but will not participate in the cost of those lines.

- C. Sewer: A public sanitary sewer will be used in all subdivisions wherever possible. The sewer shall be designed and constructed to provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into the City sewer system. All subdivisions which connect to the City sewer systems shall be required to be annexed into the City, excepting that the City will permit the connection of Butler County Sanitary Sewer Systems to its sewer system by specific contract with said district. The developer shall be responsible for all costs associated with the construction of sanitary sewer mains and laterals. Upon determination of the City that the City sewer system is not practicably available to the development, the subdivider may submit plans for consideration for disposal of sewage into a central, public treatment facility. The sewer system shall be of equal or better quality and size than the minimum standards of the City as determined by the City Engineer. The sewer system shall meet all K.D.H.E. and Butler County standards.

In subdivisions where individual private wastewater systems are proposed, adequate provision shall be made for easements to allow the installation of a public system should the property ever be annexed or required to develop a public system. All private wastewater systems shall comply with the Butler County Sanitation Code.

- D. Walks: Sidewalks shall be required within subdivisions on one side of all streets, the placement of which shall be approved by the City Engineer. All sidewalks shall be designed and constructed to standards specified by the City Engineer.

In order to facilitate pedestrian access from the roads to schools, parks, playgrounds, or other nearby roads, the Planning Commission may require perpetual unobstructed easements at least ten (10) feet in width with a sidewalk of five (5) feet in width. To minimize the impact on adjacent property, the walkway shall be adequately landscaped, screened or otherwise buffered as required by the Planning Commission. Pedestrian easements showing the specific location of the sidewalks shall be indicated on the plat.

Crosswalks shall be required to provide safe and convenient access across streets along existing and future sidewalk network. Curb cuts meeting the minimum standards of the Americans with Disabilities Act shall be provided where sidewalks meet street curbs or connection to another sidewalk across a street is required. Crosswalks across collector or arterial streets shall be clearly marked with approved paint or other more permanent means such as use of unique paving patterns as approved by the City Engineer.

Installation of sidewalks may be delayed for one side of a block between two intersecting streets until seventy-five (75) percent of the lots on that side of the block have been developed, or within three (3) years of the approval of the final plat, whichever comes first.

City of El Dorado, Kansas Subdivision Regulations

Article 8 – Improvements

- E. Storm Drainage: In development outside the corporate limits of the City, the subdivider shall install culverts, storm sewers, rip-rap slopes and stabilized ditches. All improvements shall comply with the minimum standards of the governing body and such plans shall be examined by the City Engineer and approved prior to construction.

In development inside the corporate limits of the City, the developer shall pay for the installation of all storm sewers required for the development of subdivisions within the City limits. The following items shall be considered as part of the storm sewer systems:

- (1) Detention Basins or Ponds.
- (2) Paved Drainage Ditches.
- (3) Curb Inlets
- (4) Manholes
- (5) Pipes

- F. Street Signs: The City shall install street signs at all intersections within a subdivision.
- G. Street Trees: Street trees should be planted in accordance with proper landscape design standards.
- H. Permanent Monuments: Permanent monuments shall be placed at all lot and block corners, angle points, point of curve in streets, and at intermediate points as required prior to the final acceptance of the plat by the City. Said permanent monuments shall be 1/2-inch minimum iron bars or pipe, eighteen (18) inches long, shall be set with top of monument flush with existing ground line, and shall include an identification cap on the bar.
- I. Street Lights: The City shall provide for the installation of street lights at street intersections and other locations as it determines necessary. The developer shall be responsible for all costs for providing street lighting equipment other than that determined as necessary by the City.

City of El Dorado, Kansas Subdivision Regulations

Article 8 – Improvements

2. Exceptions for Existing Improvements:

- A. Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of this Article and are in good condition as determined by the governing body upon its consideration of the opinion of the City Engineer, no further provision need be made by the subdivider to duplicate such improvements. However, where such existing improvements do not meet said requirements as determined by the governing body upon its consideration of the opinion of the City Engineer, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet said requirements as determined by the governing body upon its consideration of the opinion of the City Engineer. In lieu of such improvements, at the discretion of the City Engineer, the subdivider may be required to enter into a binding agreement with the City that prohibits the subdivider or subsequent owners of such lots from protesting future improvement petitions to complete such improvements.

Said improvements will be made under the same conditions as set out in these regulations except that the City will not participate in the cost of reconstructing or relocating any improvement on which City funds previously have been expended.

- B. Where the proposed subdivision is a resubdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the governing body, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the governing body. The governing body shall determine what adjustment to make where the aforesaid widening merges with existing streets which are of smaller width at the boundary of such proposed subdivision. The governing body may reduce the minimum roadway system in the proposed subdivision if the extension of such roadway is already improved at each end of such roadway in the subdivision and the roadway in the proposed subdivision is two (2) blocks or less in length.

ARTICLE 9
IMPROVEMENT PROCEDURES

1. **General:** After the approval, but prior to the recording of the final plat, the subdivider may do the grading and any drainage work that is required, all according to plans approved by the City Engineer.

Prior to the filing of the final plat with the Register of Deeds, all street paving, storm drainage, and utility lines must be installed in accordance with Article 8; and plans approved by the appropriate utility company and all grading work completed.

In lieu of the actual construction of all physical improvements prior to the filing of the final plat, the City Commission may, at the option of the developer, accept one or a combination of the following.

- A. A bond or letter of credit in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the governing body. Such surety shall be properly executed prior to any grading or construction and shall be released in segments upon written approval of the City.
 - B. A petition for special assessment financing presented to and approved by the governing body, properly executed by the property owners as provided by law. Said petition to be used for the construction of the improvements by the governing body and the apportionment of the costs of which to be assessed against the subdivided property. In addition, the developer shall provide a guarantee, in a form acceptable to the City, equal to three (3) years of payments of the special assessments for the improvements within said subdivision; said guarantee to be in effect from the time of the approval of the petition to establish such benefit district until the time the bonds are retired or all of the lots have been sold.
2. **Building Permits:** Unless the required improvements have been installed or guaranteed by a bond or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.
 3. **Occupancy Permits:** No occupancy permit shall be issued until all improvements have been installed.
 4. **Plans and Specifications:** Upon the approval of the preliminary plat, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for proposed required improvements containing the data and information specified below:
 - A. Content of Engineering Drawings: Engineering drawings for required improvements shall contain the following data and information:

City of El Dorado, Kansas Subdivision Regulations

Article 9 – Improvement Procedures

- (1) Plans, profiles, details, specifications and cost estimates for roadway and sidewalk construction, including plans and profiles for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of 1"=20' horizontal, and 1"=5' vertical. This information shall be shown on standard plan and profile sheets unless otherwise required.
 - (2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
 - (3) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and hydrants, if any.
 - (4) Plans, profiles, details, specifications and cost estimates of sewerage systems and of any required sewage treatment facilities.
 - (5) Grading plans for all lots and other sites in the subdivision.
 - (6) When unusual site conditions exist, the governing body may require such additional plans, specifications and drawings as may be necessary for an adequate review of the improvements to be installed.
 - (7) All plans shall be based on U.S.G.S. datum for vertical control.
- B. Review of Plans: The City Engineer shall review all engineering drawings in order to advise the governing body as to whether or not such drawings are consistent with the approved preliminary plat and comply with their design standards. The City Engineer shall forward to the Secretary of the Planning Commission and the governing body a notice stating his/her opinion and, in the event that it is the engineer's opinion that the drawings do not so conform or comply, the City Engineer shall notify the Secretary of the Planning Commission and the governing body of the specific manner in which such drawings do not so conform or comply. After consideration of the City Engineer's opinion, the governing body shall notify the subdivider as to whether or not the drawings are consistent with the approved preliminary plat and comply with their design standards and, if not, of the specific manner in which such drawings do not so conform or comply. The subdivider may then correct any defective drawings and resubmit the correct drawings.
- C. Approval by Planning Commission: The Planning Commission shall approve a final plat only after its determination that the plat conforms with the requirements of these regulations and after consideration of the City Engineer's opinion that the drawings are consistent with the approved preliminary plat and with the adopted City design standards.

City of El Dorado, Kansas Subdivision Regulations

Article 9 – Improvement Procedures

5. **Construction of Improvements:** No improvements shall be constructed nor shall any work preliminary thereto be done until such time as a final plat has been approved by the Planning Commission and the engineering drawings accompanying it shall have been approved by the governing body and there shall have been compliance with all of the requirements relating to an agreement, bond, or deposit specified in these regulations.
6. **Inspection:** All improvements constructed or erected shall be subject to inspection by the City or its designated representative responsible for setting and enforcing the applicable design and construction standards of the required improvement. The subdivider shall give at least forty-eight (48) hours written notification to such official prior to the performance of any of the following work:
 - A. All phases of roadway, pedestrian way, bike path and sidewalk construction.
 - B. All phases of construction including, but not limited to, water lines, sanitary sewer lines, storm sewer, underground wiring, and other required improvements.
7. **Inspection Procedures:** After notice is received in Section 9.6, the official designated in said section shall conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. After such inspection has been made, said official shall notify the City Clerk of his or her opinion thereof. If the governing body shall determine, after consideration of the opinion of the official, that such work does not comply with the approved engineering plans and specifications, the governing body shall so notify the subdivider, and may require the subdivider to terminate all further work until necessary steps are taken to correct any defect, deficiency, or deviation to the satisfaction of the governing body. Upon the correction of such defect, deficiency, or deviation, the subdivider shall again notify the official as provided for in Section 9.6.
8. **Final Inspection:** Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the official designated in Section 9.6 who shall thereupon conduct a final inspection of all improvements installed. After such inspection has been made, said official shall notify the City Clerk of his or her opinion thereof. If the governing body shall determine, after consideration of the opinion of the official, that there are defects, deficiencies, or deviations in any such improvements as installed, or there are any deviations in such improvements as installed from the approved engineering plans and specifications, the governing body shall so notify the subdivider in writing, and the subdivider shall, at its sole expense, correct such defects, deficiencies or deviations. Once these have been corrected, the subdivider shall notify the official that the improvements are ready for final reinspection.
9. **Acceptance of Improvements:** Upon the determination by the governing body, after consideration of the opinion of the official, that there are no defects, deficiencies, or deviations in the improvements, and that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these regulations, and all other applicable statutes, ordinances, and regulations, the governing body and/or such appropriate utility shall

City of El Dorado, Kansas Subdivision Regulations

Article 9 – Improvement Procedures

thereupon by resolution or by letter, respectively, formally accept such improvements. The improvements shall become the property of the governing body or appropriate utility company involved.

ARTICLE 10
VARIANCES AND WAIVERS

1. **Variances**: Whenever the Planning Commission deems full conformance to provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Planning Commission may authorize variances of these regulations. In authorizing such variances or exceptions, the Planning Commission shall find the following:
 - A. That there are special circumstances or conditions affecting the property.
 - B. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
 - C. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
2. **Waivers**: Any waiver of the required improvements shall be only by the Planning Commission on a showing that such improvements are technically not feasible.

City of El Dorado, Kansas Subdivision Regulations

Article 10 – Variances and Waivers

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ARTICLE 11
ADMINISTRATION

1. **Permits**: No building permit shall be issued for any structure that is located upon a lot in a subdivision filed after the date of the adoption of these rules that has not been subdivided in accordance with these Subdivision Regulations and is not exempted by the provisions of Section 1.4. No such plat or replat or dedication or deed of a street or public way shall be filed, as provided by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the Planning Commission.
2. **Recorded Plats**: The subdivider shall submit the required number of copies of the recorded plat, and shall be submitted to the City Clerk for distribution to various public and quasi-public departments, offices or agencies.
3. **Consideration of Subdivision Regulation Amendments**: Before adopting or amending any subdivision regulations, the Planning Commission shall call and hold a hearing on such regulations or amendments thereto. Notice of such hearing shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. The hearing may be adjourned from time to time and at the conclusions of the same, the Planning Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt the same in the form of proposed subdivision regulations and shall submit the same, together with the written summary of the hearing thereon, to the governing body.

The governing body either may: (1) Approve such recommendations by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote; or (3) may return the recommendation specifying the basis for the governing body's failure to approve or disapprove. If the governing body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the respective ordinance or resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendations to the governing body following the Planning Commission's next regular meeting after receipt of the governing body's report, the governing body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed subdivision regulations and any amendments thereto shall become effective upon publication of the respective adopting ordinance.

City of El Dorado, Kansas Subdivision Regulations

Article 11 – Administration

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**ARTICLE 12
SEVERABILITY**

1. Severability and Savings Clause:

- A. Each section and each subdivision of a section of these Subdivision Regulations are hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of these Subdivision Regulations are concerned and invalidity of any section or subdivision of a section of these Subdivision Regulations shall not invalidate any other section or subdivision of a section thereof.

- B. These Subdivision Regulations shall in no manner affect pending actions either civil or criminal founded on or growing out of any ordinance or part of any ordinance hereby repealed, and these Subdivision Regulations shall in no manner affect rights or causes of action either civil or criminal not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed.

City of El Dorado, Kansas Subdivision Regulations

Article 12 – Severability

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**ARTICLE 13
PENALTY**

1. **Penalty**: Any person violating the provisions of these Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), plus costs, and shall stand committed to jail until such fine and costs be paid or otherwise discharged according to law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.